GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department - Land Acquisition – Lands to an extent of Acs.74.78 cents situated in Talamidipi Village of Midthur Mandal, Kurnool District acquired through Award No.4/2007-2008, dated:21.07.2007 for widening of SRBC – Sanction of Rs.68,80,143/- (Rupees Sixty Eight Lakhs Eighty Thousand One Hundred and Forty three only) towards final decretal charges in LA OP No.34/2009 & Batch (26 cases)- Orders - Issued.

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WATER RESOURCES (LA) DEPARTMENT

G.O.Rt.No.382 Dated:28-09-2021.

Read the following:

1. From the Special Chief Secretary to Government & C.C.L.A. A.P. A.P., Gollapudi,Vijayawada,Lr.No.LA.II(4)/189/2017, dated:31-10-2017.
2. Govt. Memo. No.30024/20/LA/A2/2018, dated:22.02.2018 & 01.12.2018.
3. From the Special Collector, SSP, Kurnool, Rc. No.B6/ 80/ 2017, dated:24.03.2018.
4. From the Advocate General, APHC, Nelapadu, Amaravati, Opinion No.14/2021,dated:05.01.2021.
5. From the Special Collector (LA), Srisailam Project, Kurnool, Lr. Rc.No.B6/20/2017, Dated:01.02.2021.

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ORDER:

In the reference 1st read above, the Chief Commissioner of Land and Administration & Spl. C.S., Gollapudi, Vijayawada has forward the proposal of the Special Collector(LA), Srisailam Project, Kurnool for sanction an amount of Rs.68,80,143/- (Rupees Sixty Eight Lakhs Eighty Thousand One Hundred and Forty three only) towards final decretal charges in LA OP. No.34/2009 & Batch (26 cases) in connection with the lands to an extent of Acs.74.78 cents situated in Talamidipi Village of Midthur Mandal, Kurnool District acquired through Award No.4/2007-2008 dt:21.07.2007 for widening of SRBC.

2. In the reference 2nd read above, the Government has directed the Special Collector (LA), Srisailam Project, Kurnool to consult the learned Advocate General to file appeals in the High Court against the orders in OP No.34/2009 and Batch of 26 cases as the enhancement of amount by the Lower Court against the award is about 247.82%, 146.15% and 110.52%, it is very high and furnish a report to Government.

3. In the reference 4th read above, the Learned Advocate General in his opinion has stated that, *"…There is no infirmity in the order passed by the Learned Senior Civil Judge, Nandikotkur and it does not warrant any interference by way of Appeal. The judgment and decree passed by the Learned Senior Civil Judge in LAOP No.34 of 2007 and 35 of 2007 holds good on the point of merit. Apart from that, the authorities have made copy application after a lapse of 1 ½ years and they got the opinion of the Learned Assistant Government Pleader, Nandikotkur in the year 2007aftera lapse of 1 ½ year of passing of the judgment in LAOP No.34 of 2009. The authorities kept quiet for a period of nearly 6 years and communicated a letter to the Government Pleader for Appeals in the year 2017 to express the opinion on the said LAOP NO.34 of 2009. The Government Pleader for Appeals at High Court, Hyderabad expressed his opinion clearly stating that it would amount to negligence on the part of the authorities and the delay caused is undue and inexplicable which may not be condoned by the Hon'ble High Court. In the above circumstances, there is a possibility of finding fault with the conduct of the authorities and possibility of passing strictures against the concerned officers also cannot be rules out. Therefore, it is fair on the part of the*

Government to pay compensation amount. In the event of filing on the Appeal, the Appeal may not succeed".

4. Therefore, Government after careful examination of the matter, hereby accord sanction for an amount of Rs.68,80,143/- (Rupees Sixty Eight Lakhs Eighty Thousand One Hundred and Forty three only) towards final decretal charges in LA OP. No.34/2009 & Batch (26 cases) in connection with the lands to an extent of Acs.74.78 cents situated in Talamidipi Village of Midthur Mandal, Kurnool District, acquired through Award No.4/2007-2008 dt:21.07.2007 for widening of SRBC and the said expenditure shall be debited to the Head of Account under " 4700 Ca87pital Outlay on Major Irrigation-01 Major Irrigation - Commercial - MH.121 Srisailam Right Branch Canal (Neelam Sanjeeva Reddy Sagar)-GH.11 State Development Schemes-(27) Canals and Distributaries-530 Major Works-532 Lands (Charged)".

5. Further, Government shall direct the Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Vijayawada to initiate action as per CCA Rules against the officials responsible for the inordinate delay caused by the concerned authorities in getting copy of the *decree dated:23.11.2011 in LAOP No.34 of 2009 and batch cases and approaching the Government Pleader for Appeals, APHC on 21.04.2017 (i.e., after a lapse of 5 ½ years) for filing Appeal and same was denied as the limitation for filing of Appeal is 90 days from the date of passing of decree by the Reference Court.*

6. The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Vijayawada / the Special Collector (LA), Srisailam Project, Kurnool shall take necessary action in the matter, accordingly.

7. This order issues with the concurrence of Finance Department vide their U.O.Note.No.FIN01-FMU0MRAS(WR2)/115/2021-FMU-WR-II,(Computer No.1489274), dated:29.08.2021.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Gollapudi, Vijayawada.
The Special Collector (LA), Srisailam Project, Kurnool.
Copy to:
The Chief Engineer (P), Water Resources Department, Kurnool District.
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Works Accounts, 'C' Block, Anjaneya Towers, Ibrahimpatnam, Vijayawada.
The Finance (FMU-WR-II) Department.
The P.S to Minister (WRD).
The P.S to Secretary to Government (WRD).
File No.WRD-30024/20/LA/A2/2018(Com.No.363657).
Sf/Sc.

//FORWARDED :: BY ORDER //

SECTION OFFICER